



# **Good practice guidance: Alternative complaint resolution approaches**

A complaint is 'resolved'<sup>1</sup> when both the organisation and the customer agree what action (if any) will be taken to provide full and final resolution for the customer, without making a decision about whether the complaint is upheld or not upheld. Some complaints may need an approach other than investigation. When this happens, you should consider using an alternative complaint resolution approach. This guidance is designed for such instances.

## **What is an alternative complaint resolution approach?**

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1. There are forms of complaint resolution you could consider as an alternative to investigation, such as:
  - 1.1. facilitated discussions (for example, a round-table discussion chaired by an independent person, or 'shuttle' discussions, with an independent person acting as go-between)
  - 1.2. conciliation, or
  - 1.3. mediation.
2. If mediation is attempted, a suitably-trained and qualified mediator should be used. Trained mediators can also assist with less formal approaches, such as facilitated discussions or round-table discussions.

## **When should you use it?**

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3. You can consider using an alternative complaint resolution approach at any stage of the complaints handling procedure (CHP) but it is most suitable at stage 2 (investigation). Situations where you might consider an approach other than investigation include when:
  - 3.1. the complaint is very complex
  - 3.2. the customer and other people involved with the complaint have become entrenched in their position(s)
  - 3.3. the customer finds it difficult to engage with you and your organisation
  - 3.4. the customer has lost faith in the organisation and believes that any investigation would not be done fairly, or
  - 3.5. the customer disagrees with what is practically achievable through the CHP.
4. You may choose to use an alternative complaint resolution approach to resolve the complaint entirely. Where there is more than one point of complaint, you may find alternative complaint resolution approaches lend themselves best to part of the

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<sup>1</sup> 'Resolving' a complaint means agreeing a way forward with the customer. Organisations should aim to resolve complaints wherever they can, although this will not be possible in all cases. Where it is not possible to resolve the complaint, the organisation should provide a final response, in line with the Model Complaints Handling Procedure (MCHP).

complaint, but not to others. They may also be used to assist the complaints process, for example to clarify your understanding of the complaint or explore and define the customer's desired outcomes.

5. You must not proceed with an alternative complaint resolution approach unless all interested parties agree to it. The customer is not obliged to participate and may prefer not to. You should suggest it as a way forward and explain that it may lead to a mutually satisfactory solution. If the customer does not want to participate, you should continue with the complaint investigation.

## **How does it affect the CHP timescales?**

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6. If you, the customer and any staff members or other interested parties involved with the complaint agree to using an alternative complaint resolution approach, you may need to agree an extension to the CHP timeline. We understand the need for extension in such circumstances. Ensure the reasons for the extension are fully recorded so if the complaint escalates to SPSO, we can clearly see what happened and why.
7. Extending the CHP timeline should not discourage the use of alternative complaint resolution approaches. Remember your focus should be on resolving the complaint wherever possible, and sometimes approaches other than investigation may be the best way of doing this.
8. In some cases, an alternative complaint resolution approach may be suitable for some issues within the complaint, but not others. In this situation, you should, where possible, continue to investigate these other complaint issues. If this is not possible (for example, if the investigation depends on the outcome of the discussions), you should clearly explain this to the customer.

## **Who can help?**

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9. If you are unsure that mediation or another complaint resolution approach will help, there are a number of organisations that can advise. One such organisation is Scottish Mediation, the professional body for mediators in Scotland. You can contact their helpline on 0131 556 8118 for advice on all aspects of mediation or to arrange mediation. They also have a searchable register of trained mediators at [www.scottishmediation.org.uk/find-a-mediator](http://www.scottishmediation.org.uk/find-a-mediator).